

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 6763 of 2018**

Kuldeep Kumar @ Deep S/o Late Shri Gyan Singh Aged About 26 Years R/o Patti Afgan 454, P.S. City Kaithal, Haryana, Presently Residing At Rajendra Park Block F, P.S. Palam Vihar District Gudgaon, Haryana

---- Applicant**Versus**

State Of Chhattisgarh, Through The Police Station Urla, District Raipur Chhattisgarh

----Non-applicant

For Applicant	:	Mr. N. Naha Roy, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/10/2018**

1. This is a third bail application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 66/2017 registered at Police Station Urla, District Raipur, Chhattisgarh for the offence punishable under Section 407 of Indian Penal Code. The earlier two bail applications have been dismissed as withdrawn on 06.04.2018 and again on 03.07.2018. While withdrawal of the second bail application, this Court had granted the liberty to revive after sometimes.
2. The counsel for the applicant now has filed the 3rd bail application only on the ground of the delay in the trial. According to the counsel for the applicant, the charge against the present applicant was framed as early as on 05.12.2017 and till date though the matter had been listed before the trial Court on numerous occasions, but not a single witness has till date been examined by the prosecution. Copy of the entire order sheets have been enclosed along with the bail

application. He further submits that given the said factual matrix, there would be enormous delay on the part of the prosecution concluding the trial and the applicant would be unnecessarily languishing in jail for no fault of his.

3. The State counsel on the other hand opposing the bail application referred to the fact that the bail applications have been twice earlier withdrawn by the applicant and the Court was not inclined to grant bail and further referred to the gravity of the offence and sought for the rejection of the bail application.
4. Given the aforesaid facts and circumstances of the case, particularly taking into consideration the fact that for the last 10 months, the prosecution has not been able to examine even a single witness and that the applicant has already remained in custody for a period of more than 14 months, this Court is of the opinion that the applicant under the circumstances would be entitled to be released on bail. Accordingly, the present application for grant of bail is allowed.
5. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two local sureties in the like sum to the satisfaction of the concerned Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge